

# Hearing Officer Transmittal Checklist

Meeting Date

07/15/2014

Agenda Item No.

4

Project Number: R2012-02769-(4)  
Case(s): Conditional Use Permit Case No. 201200157  
Environmental Assessment Case No. 201200295  
Planner: Kristina Kulczycki

- ☐ Project Summary
- ☐ Property Location Map
- ☐ Staff Analysis
- ☐ Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- ☒ Draft Findings
- ☐ Draft Conditions
- ☐ Burden of Proof Statement(s)
- ☐ Environmental Documentation (ND / MND / EIR)
- ☒ Correspondence
- ☐ Photographs
- ☐ Aerial Image(s)
- ☐ Land Use/Zoning Map
- ☐ Tentative Tract / Parcel Map
- ☐ Site Plan / Floor Plans / Elevations
- ☐ Exhibit Map
- ☐ Landscaping Plans
- ☒ Staff Memorandum to the Hearing Officer

Reviewed By: 

**LOS ANGELES COUNTY LETTERGRAM**

<b>TO</b>	John Calas Hearing Officer	<b>FROM</b>	Kristina Kulczycki Zoning Permits East Section
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**SUBJECT:** DENIAL DUE TO INACTIVITY

**PUBLIC MEETING DATE:** 7/15/14

**AGENDA ITEM NO.** 4

**PROJECT:** R2012-02769-(4)

**CASE NUMBER:** Conditional Use Permit Number 201200157

Environmental Assessment Number 201200295

Conditional Use Permit 201200157 is an application to authorize the continued operation and maintenance of a wireless telecommunications facility and includes proposed equipment upgrades. The CEQA determination associated with Environmental Assessment Number 201200295 was never completed. This project is located at 19001 ½ Tonner Canyon Road, Assessor Parcel Number 8714-028-270 in South Diamond Bar.

Staff sent letters to the applicant's agent on March 25, 2013 and April 29, 2013. Emails containing the requested corrections were also sent to the agent on August 6, 2013, October 21, 2013, and May 28, 2014. The notice of public meeting was sent to the applicant and agent on January 8, 2014, but was never scheduled for a public meeting at the request of the applicant. A second notice of public meeting was recently sent on June 30, 2014. Staff has not received the requested information or materials to enable further project evaluation. Copies of the abovementioned correspondence are attached.

Pursuant to County Code Section 22.56.060 and Part A-7 and Part A-11 of Section 22.56.030 staff requests this application be **Denied** for lack of submittal of proper information to process the case.

**HEARING OFFICER ACTION:**

I concur with the requested action.

Conditional Use Permit No. 201200157 and Environmental Assessment No. 201200295 are hereby denied.

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John Calas, Hearing Officer      DATE: \_\_\_\_\_

Attachment

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**DRAFT FINDINGS AND ORDER OF THE HEARING OFFICER  
COUNTY OF LOS ANGELES  
PROJECT NO. R2012-02769-(4)  
CONDITIONAL USE PERMIT NO. 201200157  
ENVIRONMENTAL ASSESSMENT NO. 201200295**

1. **ENTITLEMENTS REQUESTED.** The applicant, Sprint PCS, is requesting a Conditional Use Permit ("CUP") to authorize the continued operation and maintenance of an existing wireless telecommunications facility ("WTF") pursuant to the Los Angeles County ("County") Zoning Code ("Zoning Code") Section 22.24.150 in the A-2-2 (Heavy Agricultural-2 acre minimum required lot area) Zone.
2. **MEETING DATE.** July 15, 2014
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** *To be inserted after the public meeting to reflect meeting proceedings.*
4. **LOCATION.** The subject property is located at 19001 ½ Tonner Canyon Road (Assessor Parcel Number 8714-028-270) in the San Jose Zoned District.
5. The project was filed on December 5, 2012. Since the project site is located within the Tonner Canyon-Chino Hills Significant Ecological Area ("SEA") and the CUP request includes updates to the equipment which involve retrenching, a meeting with the Significant Ecological Area Technical Advisory Committee ("SEATAC") was held on March 4, 2013 for review of the proposed project. At the meeting, the staff biologist and members of SEATAC presented recommendations. Based on their recommendations, staff sent letters to the agent on March 25, 2013 and April 29, 2013 requesting additional materials and revisions to the plans. Emails containing the corrections were sent to the agent on August 6, 2013, October 21, 2013, and May 28, 2014. The notice of public meeting was sent to the applicant and agent on January 8, 2014. At the request of the applicant, the case was not scheduled for public meeting. Staff has not received the requested information or materials to enable further project evaluation.
6. In the most recent email to the applicant's agent, sent on May 28, 2014, the corrections were restated and the agent was given a due date of June 26, 2014. Staff sent a letter to the applicant and agent dated June 30, 2014 informing them that pursuant to Section 22.56.060 (denial for lack of information) of the Zoning Code, the case would be scheduled before a Hearing Officer for denial due to inactivity on July 15, 2014.
7. The applicant has not contacted Regional Planning staff and has failed to submit the required materials within the required timeframe, which was by June 26, 2014.

Therefore, in view of the findings of fact presented above, **Conditional Use Permit Case No. 201200157 and Environmental Assessment No. 201200295 are DENIED.**



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

June 30, 2014

Reliant Land Services  
c/o Thomas Mundl  
1576 N. Batavia St. Suite C  
Orange, CA 92867

**SUBJECT: PUBLIC MEETING NOTICE: DENIAL DUE TO INACTIVITY**  
**Project: R2012-02769-(4)**  
**Case: RCUP 201200157**  
**Location: 19001 ½ Tonner Canyon Road, Brea (APN: 8714-028-270)**

Dear Agent/Applicant:

The Los Angeles County ("County") Department of Regional Planning ("Regional Planning") has made repeated attempts to inform you of the information that is required to proceed with your application for a conditional use permit to authorize the continued operation of an existing wireless telecommunications facility at the above referenced location. The correspondence dated March 25, 2013 and April 29, 2013 requesting project revisions and additional information is attached for your review. Additionally, staff sent the corrections to you by email on August 6, 2013, October 21, 2013, and May 28, 2014. To date, we have not received the requested information and as a result, we are unable to proceed with processing your application.

Section 22.56.060 of the County Code (Zoning Ordinance) provides that the Hearing Officer may deny, without public hearing, an application for a conditional use permit if such application does not contain the required information contained in Sections 22.56.030 and 22.56.040. Due to the longstanding inactive status of the project identified above, the project **will be scheduled for denial** before a County Hearing Officer on **July 15, 2014**.

For questions or for additional information, please contact Kristina Kulczycki of the Zoning Permits East Section at (213) 974-6435, or by email at [kkulczycki@planning.lacounty.gov](mailto:kkulczycki@planning.lacounty.gov). Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,  
DEPARTMENT OF REGIONAL PLANNING  
Richard J. Bruckner

Maria Masis, Supervising Regional Planner  
Zoning Permits East Section

Enclosures: Incomplete Letters dated March 25, 2013 and April 29, 2013

MM:KK

## Kristina Kulczycki

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**Subject:** FW: LA54XC265 - RCUP 201200157 (19001 1/2 Tonner Canyon Road, Brea)  
**Attachments:** NV\_LA54XC265 100% CDs 4-10-14.\_V4.pdf

**From:** Kristina Kulczycki  
**Sent:** Wednesday, May 28, 2014 8:00 AM  
**To:** 'Thomas Mundi'  
**Cc:** Shirley Imsand; Maria Masis  
**Subject:** FW: LA54XC265 - RCUP 201200157 (19001 1/2 Tonner Canyon Road, Brea)

Hi Thomas,

The site plan should accurately reflect the canopies of the oak trees with their protected zone identified. Number each tree on the plans. These numbers should match up with the numbers in the oak tree report. The oak tree report should include an assessment of encroachments proposed as part of this project it should not be limited to the assessment of the previous work. When the County Biologist conducted a site visit, she noted that the canopies of several oak trees encroached into the area of the power pole. This is what triggered the request for a revision in the plans and the need for oak tree reports to determine if there will be additional encroachments for the installations and trenching proposed. Therefore, please submit the following no later than June 26, 2014:

1. Please submit six full-sized sets of revised plans (and one digital copy) which accurately depict the oak trees with their canopies and the protected zone of each tree. Make sure to number each tree as they are identified in the oak tree report.
2. Please provide two copies of an updated Oak Tree Report prepared by a licensed arborist. Note: If oak tree encroachments are proposed for this project, you may be required to file for an Oak Tree Permit and the project may require an Initial Study.
3. Since there is a trail adjacent to the project site, consultation with the Department of Parks and Recreation is required. Please pay the Department of Parks and Recreation referral fee of \$498 (will be collected by the Department of Regional Planning).

Regards,

Kristina Kulczycki  
Regional Planning Assistant II  
Zoning Permits East  
Department of Regional Planning  
<http://planning.lacounty.gov>  
213-974-6435



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

January 8, 2014

Reliant Land Services  
c/o Thomas Mundi  
1576 N. Batavia St. Suite C  
Orange, CA 92867

**SUBJECT: PUBLIC MEETING NOTICE: DENIAL DUE TO INACTIVITY**  
**Project: R2012-02769-(4)**  
**Case: RCUP 201200157**  
**Location: 19001 ½ Tonner Canyon Road, Brea (APN: 8714-028-270)**


Dear Agent/Applicant:

The Los Angeles County ("County") Department of Regional Planning ("Regional Planning") has made repeated attempts to inform you of the information that is required to proceed with your application for a conditional use permit to authorize the continued operation of an existing wireless telecommunications facility at the above referenced location. The correspondence dated March 25, 2013 and April 29, 2013 requesting project revisions and additional information is attached for your review. Additionally, staff sent the corrections to you by email on August 6, 2013. To date, we have not received the requested information and as a result, we are unable to proceed with processing your application.

Section 22.56.060 of the County Code (Zoning Ordinance) provides that the Hearing Officer may deny, without public hearing, an application for a conditional use permit if such application does not contain the required information contained in Sections 22.56.030 and 22.56.040. Due to the longstanding inactive status of the project identified above, the project will be scheduled for denial before a County Hearing Officer on February 18, 2014.

If you wish to keep this project active, please send a written request to Regional Planning, Zoning Permits East Section, Room 1346, 320 West Temple Street, Los Angeles, CA 90012, Attention: Kristina Kulczycki. This correspondence must be received within 30 days from the date of this letter in order to avoid being scheduled for denial. If you choose to keep your project active and submit a written request within the timeframe listed above, you must also submit all requested information within 90 days of the date of this letter or this project will be automatically scheduled for denial at the next available Hearing Officer meeting.

For questions or for additional information, please contact Kristina Kulczycki of the Zoning Permits East Section at (213) 974-6435, or by email at [kkulczycki@planning.lacounty.gov](mailto:kkulczycki@planning.lacounty.gov). Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,  
DEPARTMENT OF REGIONAL PLANNING  
Richard J. Bruckner  
  
Maria Masis, Supervising Regional Planner  
Zoning Permits East Section

Enclosures: Incomplete Letters dated March 25, 2013 and April 29, 2013  
MM:KK

## Kristina Kulczycki

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**Subject:** FW: LA54XC265 - RCUP 201200157 (19001 1/2 Tonner Canyon Road, Brea)

**From:** Kristina Kulczycki

**Sent:** Monday, October 21, 2013 7:51 AM

**To:** Thomas Mundl

**Subject:** RE: LA54XC265 - RCUP 201200157 (19001 1/2 Tonner Canyon Road, Brea)

Hi Thomas,

Thank you for sending these reports over. Can you please send a hard copy of each report along with the requested information listed in the email sent on August 6, 2013:

1. Please submit six copies of revised plans (and one digital copy) which accurately depict the oak trees with their canopies and the protected zone (shall mean that area within the dripline of an oak tree and extending therefrom to a point at least five feet outside the dripline, or 15 feet from the trunks of a tree, whichever distance is greater).
2. Please provide two copies of an updated Oak Tree Report prepared by a licensed arborist. Note: If oak tree encroachments are proposed for this project, you may be required to file for an Oak Tree Permit and the project may require an Initial Study.
3. Since there is a trail adjacent to the project site, consultation with the Department of Parks and Recreation is required. Please pay the Department of Parks and Recreation referral fee of \$492 (will be collected by the Department of Regional Planning).

Based on these items, I may have additional corrections.

Regards,

Kristina Kulczycki  
Regional Planning Assistant II  
Zoning Permits East  
Department of Regional Planning  
<http://planning.lacounty.gov>  
213-974-6435

**Kristina Kulczycki**

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**Subject:** FW: LA54XC265 - RCUP 201200157 (19001 1/2 Tonner Canyon Road, Brea)

**From:** Kristina Kulczycki  
**Sent:** Tuesday, August 06, 2013 2:35 PM  
**To:** Thomas Mundl  
**Subject:** RE: LA54XC265 - RCUP 201200157 (19001 1/2 Tonner Canyon Road, Brea)

Hi Thomas,

The previous corrections included the following:

1. Please submit six copies of revised plans (and one digital copy) which accurately depict the oak trees with their canopies and the protected zone (shall mean that area within the dripline of an oak tree and extending therefrom to a point at least five feet outside the dripline, or 15 feet from the trunks of a tree, whichever distance is greater).
2. Please provide two copies of an updated Oak Tree Report prepared by a licensed arborist. Note: If oak tree encroachments are proposed for this project, you may be required to file for an Oak Tree Permit and the project may require an Initial Study.
3. Since there is a trail adjacent to the project site, consultation with the Department of Parks and Recreation is required. Please pay the Department of Parks and Recreation referral fee of \$492 (will be collected by the Department of Regional Planning).

Item #1 is a request for accurate plans – a land survey would help to accurately depict the oak trees in order to determine if there are any encroachments associated with this case. The Oak Tree Permit No. 01-197 was provided to you in order to assist your arborist with their analysis, but would not replace the need for a new Oak Tree Permit if new encroachments are proposed. Should this project include encroachments, a new Oak Tree Permit will be required along with the Conditional Use Permit for the development and an Initial Study may also be required. Please be aware that after you submit the above corrections, there may be additional corrections requested of you based on staff's analysis of the documents submitted.

Hope this helps to clarify the corrections.

Regards,

Kristina

Kristina Kulczycki  
Regional Planning Assistant II  
Zoning Permits East  
Department of Regional Planning  
<http://planning.lacounty.gov>  
213-974-6435





Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

April 29, 2013

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

Reliant Land Services  
1576 N. Batavia St. Suite 1C  
Orange, CA 92867

**SUBJECT: HEARING NOTICE – DENIAL DUE TO INACTIVITY**  
**Project: R2012-02769-(4)**  
**Case: RCUP 201200157**  
**Address: 19001 ½ Tonner Canyon Road, Brea**

Dear Applicant:

The Department of Regional Planning has made several attempts to inform you of the information that is required to proceed with your application for a Conditional Use Permit to authorize the continued operation of an existing wireless telecommunications facility with updates to the existing equipment at the above referenced location. The correction letter sent to you on March 25, 2013 is attached for your convenience. This correction letter was sent as a follow-up to a conversation with Mr. Borclhardt, from your office, following the Significant Ecological Area Technical Advisory Committee meeting held on March 4, 2013. To date, we have not received the requested information and as a result, we are unable to proceed with processing your application.

Section 22.56.060 of the Los Angeles County Code (Zoning Ordinance) provides that the Hearing Officer may deny, without public hearing, an application for a conditional use permit if such application does not contain the required information contained in Sections 22.56.030 and 22.56.040.

If you wish to keep this project active, please send a written request to Regional Planning, Zoning Permits East Section, Room 1346, 320 West Temple Street, Los Angeles, CA 90012, Attention: Kristina Kulczycki. This correspondence must be received within **30 days from the date of this letter** or this project will be automatically scheduled for denial at the next available Hearing Officer meeting. If you choose to keep your project active and submit a written request, you must also submit all requested information **within 90 days of the date of this letter** or this project will be automatically scheduled for denial at the next available Hearing Officer meeting. If the contact person/information has changed, please provide the updated information in addition to the other corrections requested in the March 25, 2013 letter.

If you have any questions regarding this matter, or would like to withdraw your application, please contact Kristina Kulczycki at (213) 974-6435, from 7:30 a.m. to 5:30 p.m., Monday through Thursday or via email at [kkulczycki@planning.lacounty.gov](mailto:kkulczycki@planning.lacounty.gov). Our offices are closed on Fridays.

Sincerely,  
DEPARTMENT OF REGIONAL PLANNING  
Richard J. Bruckner  
Director

A handwritten signature in black ink, appearing to read 'Maria Masis', followed by the initials 'ABR'.

Maria Masis, Supervising Regional Planner  
Zoning Permits East Section

Enclosures: Correction letter dated March 25, 2013



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

March 25, 2013

Reliant Land Services  
1576 N. Batavia St. Suite 1C  
Orange, CA 92867

**SUBJECT: REQUEST FOR REVIEW MATERIALS**

**Project: R2012-02769-(4)**

**Case: RCUP 201200157**

**Address: 19001 ½ Tonner Canyon Road, Brea**

Dear Applicant:

The Department of Regional Planning is currently reviewing the project identified above and has determined that the project file is incomplete and additional materials or information is required before we can proceed further. Please submit the following items:

1. Please submit six copies of revised plans (and one digital copy) which accurately depict the oak trees with their canopies and the protected zone (shall mean that area within the dripline of an oak tree and extending therefrom to a point at least five feet outside the dripline, or 15 feet from the trunks of a tree, whichever distance is greater).
2. Please provide two copies of an updated Oak Tree Report prepared by a licensed arborist. Note: If oak tree encroachments are proposed for this project, you may be required to file for an Oak Tree Permit and the project may require an Initial Study.
3. Since there is a trail adjacent to the project site, consultation with the Department of Parks and Recreation is required. Please pay the Department of Parks and Recreation referral fee of \$492 (will be collected by the Department of Regional Planning).

Note: If you no longer wish to continue with this project, please submit a letter requesting the withdrawal of your application.

Failure to disclose all pertinent information for consideration in the review of this case could result in delays, continuation of public hearings, new environmental analysis or additional costs. Additional materials may be required pending the outcome of consultation with other agencies.

Any zoning violations on the property discovered after the filing of this case may affect the scheduling of a public hearing pursuant to the "Clean Hands" provisions of the County Code in Section 22.04.110.

We request that you expeditiously comply with the above requirements. If no activity occurs within 30 days of this letter, your case may be scheduled before a Hearing Officer for denial pursuant to Section 22.56.060 of the County Code.

If you have any questions regarding this matter, please contact Kristina Kulczycki at (213) 974-6435 or via email at [kkulczycki@planning.lacounty.gov](mailto:kkulczycki@planning.lacounty.gov), from 7:30 a.m. to 5:30 p.m., Monday through Thursday. Our offices are closed on Fridays.

Sincerely,

Richard J. Bruckner  
Director

A handwritten signature in black ink, appearing to read "M. Masis for".

Maria Masis, Supervising Regional Planner  
Zoning Permits East Section

MM:KK